

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HONGMIAN GONG,

Plaintiff,

-against-

LERONE SAVAGE,

Defendant.

23-cv-7355 (AS)

ORDER


ARUN SUBRAMANIAN, United States District Judge:

By October 7, 2024, the parties should each submit a letter, not to exceed three single-spaced pages, addressing the following issues. The letters **must** be focused on the questions asked. The parties should focus on citing relevant authority and should not rely on any material outside the pleadings in making their arguments.

1. **Statute of limitations.** Are Gong's copyright claims timely despite allegations that Gong knew about Savage's copying and submitting the thesis approximately six years before she filed her complaint in this case? *See Michael Grecco Productions, Inc. v. RADesign, Inc.*, 112 F.4th 144, 151 (2d Cir. 2024).
2. **Statute of limitations.** Can Savage be liable for contributory copyright infringement if Gong knew about his contributory acts (copying and submitting the thesis) six years before this suit was filed? *See Mount v. Book-of-the-Month Club, Inc.*, 555 F.2d 1108, 1111 (2d Cir. 1977); *Bridgeport Music, Inc. v. Diamond Time, Ltd.*, 371 F.3d 883, 890 (6th Cir. 2004).
3. **DTSA Interstate or Foreign Commerce.** Does the complaint plausibly allege a nexus between Gong's trade secret and "a product or service used in, or intended for use in, interstate or foreign commerce"? 18 U.S.C. § 1836(b)(1).

SO ORDERED.

Dated: October 3, 2024
New York, New York


ARUN SUBRAMANIAN
United States District Judge